

COPY

Practitioner's Docket No. 6099/002

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re prior application of: Herz, Frederick; Eisner, Jason M.; Smith, Jonathan M.; Salzberg, Steven L.

Application No.: 08/551,198 Group No.: 2773

Filed: October 31, 1995 Examiner: Huynh-Ba

For: SYSTEM FOR CUSTOMIZED ELECTRONIC IDENTIFICATION OF DESIRABLE OBJECTS

Box CPA  
Assistant Commissioner for Patents  
Washington, D.C. 20231CONTINUED PROSECUTION APPLICATION (CPA)  
(37 C.F.R. 1.53(d))

1. This is a request for a filing of a continuation continued prosecution application under 37 C.F.R.

## CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to: Box CPA, Commissioner for Patents and Trademarks, Washington, D.C. 20231.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10\*

- ☐ with sufficient postage as first class mail.

- ☒ as "Express Mail Post Office to Addressee"  
Mailing Label No. EL484953512US  
(mandatory)

Signature

Cheryl Martinez

(type or print name of person certifying)

Date: 3/17/00

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Continued Prosecution Application (CPA) (37 CFR 1.53(d))—page 1 of 4)

1.53(d) of the above-identified prior nonprovisional application.

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings and oath or declaration from the prior application, to constitute this new application, and that the application number of the above identified prior application be assigned for identification purposes. 37 CFR 1.53(d)(2)(iv).

It is also requested that the above identified prior application be expressly abandoned as of the filing date accorded this continued prosecution application. 37 CFR 1.53(d)(2)(v).

2. With respect to the above identified prior nonprovisional application, this continued prosecution application is being filed before the termination of the proceedings on the prior application. 37 CFR 1.53(d)(1)(ii)(C).

The term for response or taking action in the prior application expires on March 24, 2000.

An extension of time in the prior application is filed concurrently in the prior application.

3. It is noted that:

- This application discloses and claims only subject matter disclosed in the prior application. 37 CFR 1.53(d)(2)(ii).
- Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122 to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 CFR 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 CFR 1.53(d)(6).
- Filing of this request is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number identified in this request and that no amendment in this application may delete this specific reference to any prior application. 37 CFR 1.53(d)(7) and 1.78(a)(2).

4. This continued prosecution application names as inventors, the same inventors named in the prior application on the date this continued prosecution application under 37 CFR 1.53(d)(2)(iii) is being filed.

**5. Fee Calculation****Regular Application**

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$690.00
Total Claims (37 CFR 1.16(c))	34	- 20 =	14 x	\$18.00	\$252.00
Independent Claims (37 CFR 1.16(b))	2	- 3 =	0 x	\$78.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$260.00	\$0.00

Filing Fee Calculation

\$942.00

**6. Small Entity Statement**

Status as a small entity was claimed in prior application 08/551,198 filed on October 31, 1995, from which benefit is being claimed for this application under 35 U.S.C. § 120, and which status as a small entity is still proper and desired.

Filing Fee Calculation (50% of above)

\$471.00

**7. Fee Payment Being Made at This Time**

Enclosed

Filing Fee

\$471.00

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**Total Fees Enclosed**

**\$471.00**

**8. Method of Payment of Fees**

Attached is check in the amount of \$471.00.

**9. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 04-1697:

37 C.F.R. 1.16(a), (f) or (g) (filing fees)

37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

37 C.F.R. 1.17 (application processing fees)

**10. Instructions as to Overpayment**

Credit Account No. 04-1697

Reg. No. 28,300  
Tel. No.: (303) 449-9497

  
SIGNATURE OF PRACTITIONER

James M. Graziano  
Duft, Graziano & Forest, P.C.  
1790 - 30th Street, Suite 140  
Boulder, CO 80301-1018 USA

DUFT, GRAZIANO & FOREST  
1790 - 30<sup>TH</sup> STREET, SUITE 140  
BOULDER, CO 80301  
(303) 449-9497  
FAX (303) 449-0814

FACSIMILE TRANSMITTAL SHEET  
PLEASE DELIVER ASAP

DATE:

3/21/00 2:15 PM

TO:

Examiner Huynh-Ba

FROM:

James M. Graziano

CC:

COMPANY:

USPTO, Group Art Unit 2773

FAX NUMBER:

703-308-9051

PHONE NUMBER:

RE:

08/551,198

TOTAL PAGES INCLUDING COVER:

7

☐ URGENT

☐ FOR REVIEW

☐ PLEASE COMMENT

☐ PLEASE REPLY

NOTES/COMMENTS:

This is a copy of the Continued Prosecution Application and Petition and Fee for Extension of Time that was mailed from our office on March 17, 2000 along with the payment of fees. It was inadvertently addressed to Box Patent Application; therefore, as per the request of the Examiner, we are faxing to him a copy of these documents.

THIS FACSIMILE IS INTENDED ONLY FOR THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT), AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.